

## SETTLEMENT AGREEMENT

This agreement is made and entered into between the Executive Branch Ethics Commission (hereinafter the "Commission") and Billie Johnson.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Billie Johnson*, Agency Case No. 12-001;

WHEREAS, the Commission is designated by statute as the agency responsible for enforcing the Executive Branch Code of Ethics, KRS Chapter 11A;

WHEREAS, on March 19, 2012, the Commission alleged facts in an Initiating Order that Billie Johnson violated the Executive Branch Code of Ethics at KRS 11A.020(1)(c) and (d) and KRS 11A.045;

WHEREAS, Billie Johnson was at all relevant times mentioned in the Initiating Order a "public servant" as defined in KRS 11A.010(9), and thus is subject to the Executive Branch Code of Ethics; and

WHEREAS, Billie Johnson indicates her desire to resolve all issues in this action by the execution of a Settlement Agreement.

NOW, THEREFORE, in settlement of the above allegations, the Commission and Billie Johnson agree, pursuant to KRS 11A.100, as follows:

1. Billie Johnson admits that she committed violations of the Executive Branch Code of Ethics at KRS 11A.020(1)(c) and (d) and KRS 11A.045 as stated in Appendix A of the Commission's Initiating Order of March 19, 2012, attached hereto and incorporated by reference herein.


2. Billie Johnson agrees to pay the Commission a civil penalty of seven hundred and fifty dollars (\$750.00) concurrently with the execution of this Settlement Agreement.

3. Billie Johnson agrees that upon the Commission accepting the Settlement Agreement and entering the Final Order that she waives all rights to any further administrative process or appeal pursuant to KRS 13B.140 thereon.

5. The parties further agree that the acceptance of this Settlement Agreement by both parties, and the fulfillment of its express terms, is in full accord and satisfaction of the herein referenced *Executive Branch Ethics Commission v. Billie Johnson*, Agency Case No. 12-001.

6. This Settlement Agreement constitutes a public reprimand to Billie Johnson, a copy of which will be provided to her former appointing authority pursuant to KRS 11A.100(3)(c).

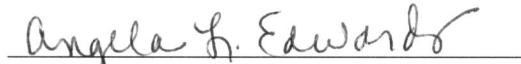
IN WITNESS THEREOF, the respondent has caused this agreement to be executed:

  
Billie Johnson

9/11/12  
Date

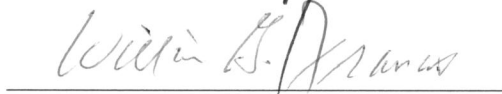
WHEREFOR, the EXECUTIVE BRANCH ETHICS COMMISSION has approved and executed this settlement agreement.

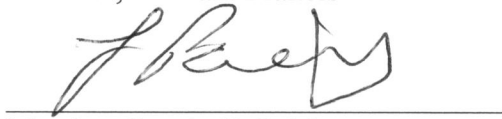
ENTERED: September 24, 2012

  
Chair, Angela Edwards

  
Vice-Chair, W. David Denton

  
Member, William Knopf

  
Member, William Francis

  
Member, Lewis G. Paisley

**APPENDIX A  
CASE NO. 12-001  
INITIATING ORDER**

**ALLEGATION OF VIOLATIONS**

The Respondent, Billie Johnson, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Division of Highway Safety Programs, Department of Transportation. As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Billie Johnson committed the following violations:

**COUNT I**

Billie Johnson, during her course of employment as an Assistant Director with the Division of Highway Safety Programs, Department of Transportation, used her official position to obtain financial gain for others, to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest at large, and to accept gifts totaling a value greater than twenty-five dollars (\$25) in a single calendar year from a person or business that does business with or is attempting to influence the actions of the agency in which the Respondent is employed or which she supervises.

Specifically, during July of 2009, Johnson acquired and gave credentials to six friends, acquaintances, and family members to a race that the Division of Highway Safety Programs was sponsoring at the Kentucky Motor Speedway held on June 18, 2009. Johnson received the credentials through the course of her employment with the Department of Transportation and as a result of the contract entered into between the Department and the Kentucky Motor Speedway. The credentials gave her friends and family members access to areas of the Kentucky Motor Speedway to which the general public could not gain access. The actual cost of a general

admission ticket to the race was \$20 per ticket, but the credentials have no face value because the general public does not have access to or the opportunity to buy the credentials, therefore the value is indeterminate. Neither Johnson nor her friends and family members paid any amount for the credentials.

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These facts constitute violations of KRS 11A.020(1)(c) and (d) and KRS 11A.045(1).

KRS 11A.020(1)(c) and (d) provide:

- (1) No public servant, by himself or through others, shall knowingly:
  - \*\*\*
  - (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or
  - (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

KRS 11A.045 provides:

- (1) No public servant, his spouse, or dependent child knowingly shall accept any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars (\$25) in a single calendar year from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the agency in which the public servant is employed or which he supervises, or from any group or association which has as its primary purpose the representation of those persons or businesses. Nothing contained in this subsection shall prohibit the commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

**(End of document)**